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**Criminal Justice & Corrections  
Committee**

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**HB 1650**

**Brief Description:** Addressing the failure to respond to citations and notices of infractions.

**Sponsors:** Representatives O'Brien, Newhouse, Lovick and Rodne; by request of Integrated Justice Information Board.

**Brief Summary of Bill**

- Removes the requirement that certain notices of infraction and citation forms be signed by the person being cited in acknowledgment of receipt and as a promise to appear or to respond.
- Decriminalizes the failure to sign a notice of infraction in certain circumstances.

**Hearing Date:** 2/15/05

**Staff:** Kathryn Leathers (786-7114).

**Background:**

Traffic Infractions and Citations:

When issued a traffic infraction, the person cited must sign the ticket in acknowledgment of his or her receipt of the notice of infraction and as a promise to respond as directed in the notice. A notice of traffic infraction represents a determination that an infraction has been committed. Signing the notice of infraction is not a waiver of the right to contest this determination. A traffic infraction is a non-criminal offense. Failure to sign a notice of infraction acknowledging receipt of the notice is a gross misdemeanor.

If a law enforcement officer serves a traffic citation and notice to appear on a person who has been arrested for any violation of the traffic laws or regulations punishable as a misdemeanor, the person must give his or her written promise to appear in court by signing the citation as a condition precedent to his or her release. Signing the citation is not an admission of guilt.

Other Civil Infractions:

A civil infraction is a non-criminal offense for which imprisonment may not be imposed. Civil infraction notices are required by statute to include a statement which the cited person must sign, stating that he or she promises to respond to the notice of civil infraction in one of the ways

allowed by statute. The notices are also required to state that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor.

**Summary of Bill:**

In regards to traffic infractions and traffic citations, this bill removes the requirement that a cited person must sign a notice of traffic infraction and that a person who is arrested for any violation of the traffic laws or regulations punishable as a misdemeanor must give his or her written promise to appear in court by signing the notice in order to secure his or her release.

For other non-traffic civil infractions, including notices of infractions related to contractors, plumbers, commission merchants, mobile and manufactured home installers, and individuals who are cited for misuse of the regional transit system, it also removes the requirement that a person must sign the notice of civil infraction statement promising to respond to the notice.

In all cases, it decriminalizes the failure or refusal to sign the infraction or citation. In some cases, it requires the state to prove that a person willfully failed to respond to a notice of civil infraction before the person can be found guilty of this misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.